

Instructions for nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Brendan Thomas Carr

2. Position to which nominated:

Commissioner, Federal Communications Commission

3. Date of Nomination:

June 29, 2017

4. Address (List current place of residence and office addresses):

Residence:

[REDACTED]
[REDACTED]

Office:

**Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554**

5. Date and Place of Birth:

**January 5, 1979
Washington, D.C.**

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse:

Machalagh Carr
Oversight Staff Director
Committee on Ways and Means
U.S. House of Representatives

Children:

[REDACTED]
[REDACTED]

7. List all college and graduate degrees. Provide year and school attended.

B.A., Georgetown University, Georgetown College (2001)

**J.D., and Certificate, Institute for Communications Law Studies,
Catholic University of America, Columbus School of Law (2005)**

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

- **Federal Communications Commission**
 - **General Counsel (4/2017 – Present)***
 - **Acting General Counsel (1/2017 – 4/2017)***
 - **Legal Advisor for Wireless, International, and Public Safety, Office of Commissioner Ajit Pai (2/2014 – 1/2017)†**
 - **Attorney-Advisor, Wireless, International, and Public Safety Team, Administrative Law Division, Office of General Counsel (6/2012 – 2/2014)†**
 - **Legal Intern, Office of Commissioner Kathleen Abernathy (9/2003 – 12/2003)†**

- Law Clerk, Spectrum Enforcement Division, Enforcement Bureau (6/2003 – 8/2003)†
- Wiley Rein LLP
 - Associate (9/2005 – 8/2008 and 8/2009 – 5/2012)†
- Judge Dennis W. Shedd, U.S. Court of Appeals for the Fourth Circuit
 - Law Clerk (8/2008 – 7/2009)†
- U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet
 - Legal Intern (2/2004 – 4/2004)†
- Venable, Baetjer, Howard & Civiletti LLP
 - Paralegal (9/2001 – 8/2002)
- Credit Debt Solutions
 - Sales (6/2001 – 8/2001)

* Denotes management-level job that is relevant to the position for which I have been nominated.

† Denotes non-managerial job that is relevant to the position for which I have been nominated.

9. Attach a copy of your resume.

A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm,

partnership, or other business, enterprise, educational, or other institution within the last ten years.

As indicated below, I am a member of the Federal Communications Bar Association (FCBA). While I served a three-year, uncompensated term as a Member of the FCBA's Executive Committee, I was not an officer of the FCBA. Moreover, my three-year term on the FCBA's Executive Committee expired at the end of June 2017.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

• American Bar Association

- I was a member of the ABA from August 2013 until February 2015. During my time as a member, I served as Vice-Chair (from August 2013 to approximately February 2014) and then as Co-Chair (from approximately February 2014 to February 2015) of the Communications Committee of the ABA's Administrative Law and Regulatory Practice Section.**

• Cathedral of St. Matthew the Apostle

- I have been a member of this Catholic church in Washington, D.C. from 2006 to the present.**

• District of Columbia Bar

- As a lawyer, I have been a member in active standing of the D.C. bar from 2006 to present.**

• Federalist Society

- I have been a member from 2007 to present.**

• Federal Communications Bar Association

- I have been a member of the FCBA from approximately 2005 to present. In that time, I have held several positions with the FCBA—specifically: (1) Member, FCBA Charity Auction Committee (2011); (2) Co-Chair, FCBA Young Lawyers Committee (2011-13); (3) Chair, FCBA Charity Auction Committee (2012); (4) Member, FCBA Nominations Committee (2013); (5) Young Lawyers Representative to the FCBA Executive Committee (2013, and (6) Member, FCBA Executive Committee (2014-2017).

- Maryland Bar

- As a lawyer, I have been a member in active standing of the Maryland Bar from 2005 to present.

- Maryland State Bar Association

- I was an active member of this voluntary bar association from 2005 to around 2010.

- University Club of Washington D.C.

- I have been a member of this social / athletic club since 2006.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

In 2011, I donated \$500 to Marco Rubio's 2010 campaign for Senate in connection with the retirement of debt. However, the FEC website identifies this as a donation to "Rubio, Marco via Marco Rubio for President."

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- **Dean's Award in Appreciation for Dedicated Service to the Communications Law Student Association, Catholic University of America, Columbus School of Law (2005)**
- **Bishop Scholarship, Catholic University of America, Columbus School of Law (2002-2005)**
- **Note and Comment Editor, *Catholic University Law Review* (2004-2005)**
- **Member, *Catholic University Law Review* (2003-2004)**
- **Second Honors, Georgetown University (Fall 1999)**
- **Dean's List, Georgetown University (Spring 2000)**

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Based on my recollection and research, I have identified the following:

- **Panel Discussion, Modernizing Europe's Digital Rules, European Internet Forum and GSMA Mobile World Congress 2017, Barcelona, Spain (February 26, 2017)**
- **Panel Discussion, Meet the 8th Floor International Legal Advisors, Federal Communications Bar Association, Washington, D.C. (October 24, 2016)**
- **Panel Discussion, Hot Policy Topics, Competitive Carrier Association 2016 Annual Convention, Seattle, Washington (September 21, 2016)**

- **Panel Discussion, Emerging Issues in Wireless: The FCC and NTIA Perspective, CTIA Super Mobility 2016, Las Vegas, Nevada (September 7, 2016)**
- **Remarks at New Direction’s Digital Single Market Summit, Brussels, Belgium (October 14, 2015)**
- **Panel Discussion, Washington Goes Mobile – FCC & NTIA Experts on the Issues, CTIA Super Mobility 2015, Las Vegas, Nevada (September 9, 2015)**
- **Panel Discussion, The Regulatory Landscape: Updates and Hot Issues in Washington, Competitive Carrier Association 2014 Annual Convention, Las Vegas, Nevada (September 9, 2014)**
- **Panel Discussion, A View from Washington, PCIA’s 2014 Wireless Infrastructure Show, Orlando, Florida (May 20, 2014)**
- **Panel Discussion, Meet the Wireless Advisors, Federal Communications Bar Association, Washington, D.C. (March 20, 2014)**
- **Co-Author, Developments in Administrative Law and Regulatory Practice 2013 (Communications), ABA Section of Administrative Law and Regulatory Practice (2013)**
- **Co-Author, “Fifth Circuit Upholds FCC’s Shot Clock / Tower Siting Ruling,” Wiley Rein LLP (Winter 2012)**
- **Co-Author, “FCC Provides Guidance on Net Neutrality Rules,” Wiley Rein LLP (Summer 2011)**
- **Co-Author, “FCC Adopts Net Neutrality Rules,” Wiley Rein LLP (Winter 2010)**
- **Speaker, “Regulatory Year In Review,” 37th Annual ACUTA Conference, Las Vegas (Summer 2008)**
- **Speaker, “Regulatory Update From Washington,” 36th Annual ACUTA Conference, Miami (Summer 2007)**

- Speaker, “E-Discovery: What Your Lawyer Wants From You,” Voice Report Podcast (Spring 2007)
- Speaker, “2006 Legislative & Regulatory Wrap-up,” ACUTA Seminar, Washington (Winter 2007)
- Co-Author, “How Federal Preemption Helps Tower Owners,” Above Ground Level Magazine (Fall 2006)

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

None.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I believe my background and experience qualifies me to serve as a Commissioner at the FCC. I went to law school fifteen years ago to study communications law and policy, and I ultimately obtained a certificate in communications law studies in addition to my J.D.

During law school, I interned twice at the FCC and once with the U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet. Those experiences provided me with valuable insights, and many of the professionals I met during those internships continue to be my mentors and friends. Those experiences also confirmed that I made the right decision to study communications law, and they solidified my interest in spending my career working as a lawyer on telecom issues.

After graduating law school, I accepted a job at a law firm where I could gain broad experience working on various telecom issues.

The law firm experience also helped sharpen my legal research and writing skills. I later accepted an appellate clerkship, which gave me the chance to learn how judges make decisions. It also provided me with exposure to many different areas of law and improved my analytical skills.

Given my interest in telecom, I applied over five years ago for a GS position with the FCC's Office of General Counsel. It was an honor to get the chance to work at the FCC. In that job, I focused on providing legal advice to FCC staff in the agency's wireless, public safety, and international bureaus, and I learned a lot about the agency's processes and procedures. Following that experience, I served for nearly three years as an advisor to FCC Commissioner Ajit Pai on wireless, public safety, and international issues. Since then, I have been serving as the FCC's General Counsel, where I provide legal advice to the Commission and FCC staff on all matters within the agency's jurisdiction.

I believe these experiences show that I am qualified to serve as a Commissioner.

Turning to the second part of the question, I wish to serve as a Commissioner because I believe in public service and in the FCC's mission. The American public has much to gain from telecom policies that promote their interests, that create good-paying jobs, that grow the economy, and that help unleash new innovations. I want to work on putting those policies in place. Whether it is promoting broadband infrastructure deployment, facilitating the roll out of 5G technologies, protecting consumers, or advancing public safety, the agency and its talented staff make a real difference in the lives of all Americans. It would be an honor and a privilege to work as an FCC Commissioner and, alongside the many skilled professionals at the agency, help put telecom policies in place that will advance the public interest.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The Commission has an obligation to ensure that there are proper management and accounting controls in place so that the American public knows that their government is operating in an effective and efficient manner. If confirmed, I would work to ensure that the agency follows strong internal controls, and I would want to take as active a role as possible in ensuring that the agency is properly managed.

With respect to my own management experience, I have served as the FCC's General Counsel, which includes overseeing a staff of about 80 people. The Office of General Counsel reviews nearly every major action the FCC takes and is responsible for advising all Commissioners, the heads of the agency's bureaus and offices, and all FCC staff on matters before the agency. The Office of General Counsel consists primarily of an Administrative Law Division, which provides FCC leadership and staff with legal advice on a broad range of communications and general administrative law issues, and a Litigation Division, which represents the Commission in federal court when parties challenge an agency action. As the General Counsel, my job is to supervise and support this team. I have done my best to accomplish this by being proactive, meeting formally and informally with the professionals in the group, timely reviewing, drafting, and providing feedback on matters, and actively helping the team to identify and implement practical solutions to the many questions that are presented to the Office of General Counsel for review.

20. What do you believe to be the top three challenges facing the department/agency, and why?

1. **Promoting Broadband Deployment.** One of the key challenges the FCC faces is ensuring that every American has access to broadband. In the five years that I have worked at the FCC, I have had the chance to meet consumers, innovators, and entrepreneurs from across the nation that depend on broadband access for jobs and opportunity. So the FCC must continue to promote policies that will spur broadband deployment and competition throughout the country. Getting this right is important because the connectivity and

opportunity broadband deployment enables can harness the talents of all Americans, create good-paying jobs, and help promote our nation's economic recovery. If confirmed, I would work to ensure that the FCC pursues policies that will promote broadband deployment and competition.

2. **Maintaining U.S. Leadership in Wireless.** The wireless market in the United States has been the envy of the world. The policies the FCC put in place a decade ago resulted in this country becoming the leader in the deployment of 4G wireless technologies. The challenge is to ensure that we maintain that leadership as 5G and other advanced and competitive wireless networks (terrestrial and satellite alike) come online. Spectrum and infrastructure are going to play key roles in determining whether we meet that challenge. On the spectrum front, the FCC must continue to pursue an all-of-the-above approach. We need a spectrum pipeline that can deliver a mix of low-, mid-, and high-band spectrum into the market. And we need to ensure that providers can choose from a mix of licensed, unlicensed, and shared spectrum bands to meet consumer demand. On the infrastructure side, the FCC must take a fresh look at its approach and ensure that its policies are tailored to promoting next-generation deployments. If confirmed, I would work to ensure that the U.S. maintains its leadership in wireless.
3. **Promoting Public Safety:** While technology continues to evolve, one constant is the FCC's obligation to promote public safety. This includes taking steps to facilitate the transition to Next-Generation 911 (or NG911), which can bring innovative solutions to our public safety community and life-saving advances to those in need of emergency services. It also means that the FCC must play its part in ensuring that public safety officials and first responders have access to the advanced communications technologies that will allow them to do their jobs safely and effectively. If confirmed, I would work with all stakeholders to ensure that the agency is fulfilling its public safety obligations.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

During my time working at Wiley Rein LLP, I contributed to and participated in the firm's 401(k) plan, which included a matching contribution from the firm. That plan is with Fidelity Investments. Neither I nor my former employer have made any further contributions to the defined contribution plan, which is a diversified holding, after I left my former employer in 2012.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the FCC's Alternate Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest that might arise will be resolved in accordance with the terms of my ethics agreement with FCC's Alternate Designated Agency Ethics Official. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflicts of interest other than any that are the subject of my ethics agreement.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the FCC's Alternate Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest that might arise will be resolved in accordance with the terms of my ethics agreement with FCC's Alternate Designated Agency Ethics Official. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflicts of interest other than any that are the subject of my ethics agreement.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

For the past five years, I have worked at the FCC and been involved in various public policy debates on a wide-range of communications law issues. In my time at the agency, I have also been asked on occasion to review or discuss legislative proposals. Prior to joining the FCC, I was an associate at a law firm where I worked on a broad spectrum of communications and other issues. At no time in my career, however, have I been a registered lobbyist.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement with the FCC's Alternate Designated Agency Ethics Official, which I understand has been provided to the Committee.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

F. Affidavit

Brendan Carr being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



TB

Signature of Nominee

Subscribed and sworn before me this 6th day of July 2017.

Geraldine D. Taylor
Notary Public

GERALDINE D. TAYLOR
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2020

BRENDAN CARR

EXPERIENCE:

Federal Communications Commission, Washington, DC

General Counsel, Office of General Counsel (April 2017 – Present)

Acting General Counsel, Office of General Counsel (Jan. 2017 – April 2017)

- Chief legal advisor to the Commission and FCC staff on all matters within the agency's jurisdiction, including broadband, wireless, wireline, media, consumer protection, public safety, enforcement, and competition matters
- Manage staff of about 80 lawyers and other professionals
- Advise all FCC personnel on compliance with ethics laws and serve as the agency's head ethics official

Federal Communications Commission, Washington, DC

Legal Advisor, Office of Commissioner Ajit Pai (Feb. 2014 – Jan. 2017)

- Served as legal advisor on wireless, public safety, and international issues
- Developed policies that promote broadband deployment
- Worked with FCC staff across the agency to implement key policy priorities

Federal Communications Commission, Washington, DC

Attorney, Office of General Counsel, Administrative Law Division (July 2012 – Feb. 2014)

- Provided legal and strategic advice on a broad range of wireless, public safety, and international matters
- Advised the Commission on its legal authority to achieve various competition and spectrum policy goals

Wiley Rein LLP, Washington, DC

Associate, Communications, Litigation, and Appellate Groups (Sept. 2005 – Aug. 2008 & Aug. 2009 – June 2012)

- Researched and drafted appellate briefs in cases involving appeals of FCC orders and other matters
- Advised clients regarding compliance with the Communications Act and other federal and state laws

U.S. Court of Appeals for the Fourth Circuit, Columbia, SC

Law Clerk, Judge Dennis W. Shedd (Aug. 2008 – July 2009)

U.S. House of Representatives, Committee on Energy and Commerce, Washington, DC

Legal Intern, Subcommittee on Communications, Technology, and the Internet (Jan. 2004 – May 2004)

Federal Communications Commission, Washington, DC

Legal Intern, Office of Commissioner Kathleen Abernathy (Sept. 2003 – Dec. 2003)

Federal Communications Commission, Washington, DC

Law Clerk, Enforcement Bureau, Spectrum Enforcement Division (May 2003 – Aug. 2003)

EDUCATION:

Catholic University of America, Columbus School of Law, Washington, DC

J.D. Magna Cum Laude and Certificate, Institute for Communications Law Studies (May 2005)

Catholic University Law Review, Note and Comment Editor Vol. 54; Staff Member Vol. 53;
President, Communications Law Student Association; Recipient, Dean's Award; Bishop Scholar

Georgetown University, Georgetown College, Washington, DC

B.A. in Government with minors in History and Anthropology (May 2001)

Second Honors; Dean's List; Presented research paper at the Inter-disciplinary Student Conference